

## **Plans or dreams about the future of the EU – by an independent experts’ group with a visible political support**

Reform of the European Union and its institutions is an evergreen subject – it is always on the table, put there either by politicians, governments, agents of the EU or representatives of academia. Or by interesting mixtures of the abovementioned. During this September, a conclusive policy document has surfaced (first published by Politico), which had been authored by well-established experts on various fields related to the EU – but what is more important is that not only it has reflected well on actual questions of the EU, but also has produced some well visible political support. It was taken for discussion to the highest level of the EU decision-making level by the German and the French government – even if the title page clearly states: “The opinions expressed are those of the authors only and should not be considered as representative of the French and/or German official position”.

The document titled “Report of the Franco-German Working Group on EU Institutional Reform – Sailing on High Seas: Reforming and Enlarging the EU for the 21st Century / Paris-Berlin – 18 September 2023” sets out a clear collection of ideas and proposals which are well worthy of analysis and discussion not only by governments but also by the wider public and professional audience.

With their “triangle of aims of a constitutional reform”, the authors set clear goals for themselves and their paper. Their first goal is to strengthen the EU’s capacity to take and implement decisions across all policy areas based on the founding treaties, but also to give attention to those policy areas, which have more and more become EU competences – here, according to the authors, it is important to achieve a more streamlined EU, more “speedy decisions”. Of course, this goal may already raise concerns for those who already have problems with the EU endangering classic state sovereignty. The second goal set by the authors is to strengthen the protection of the rule of law, which is a hot topic in the EU these times, not only because of actual debates related to some member states but also because of being closely connected to the enlargement conditions. The third goal is to make the EU’s institutions “enlargement ready”, which is something that comes up around every enlargement procedure, where various actors try use it to calibrate the institutional system mainly for new members (re-setting seats in the European Parliament, voting weights in the Council etc.), but at the same time they use the opportunity to try to implement changes which are also useful without the actual enlargement. This is also referred to by the authors themselves by stating that “the Group of Twelve is convinced that reforms aiming to strengthen the EU’s capacity to act, the rule of law and fundamental values and democratic legitimacy should be pursued even if enlargement was substantially delayed”.

It is important to emphasise that the document is an independent piece of work and does not have any binding power – it is practically a set of ideas, made interesting by the fact of visibly having some political support from the French and the German governments.

## Reforms of EU institutions by the paper

The paper deals extensively with proposals related to possible institutional reforms of the EU, most of those reasoned by one or more of the goals described above.

Of course, it cannot avoid problems related to member states' veto power, what's more, its circumvention seems to be one of the strategic goals of the whole reform process. However this issue is far from being that easy, as our earlier analysis of the Bled address of the President of the European Council has pointed out, his statement ("completely scrapping unanimity could be throwing the baby out with the bath water") reflects a more realistic attitude towards the question, and an even earlier analysis of ours has demonstrated its reasons.

As we have put it then, "the idea of completely eradicating unanimity from the EU's decision making is not only unrealistic but also strange to an international organisation", but in the current case this is much more about realities and the basic need of protection of vital member state interests – veto power being their final line of defence. The authors of the paper obviously know this very well, so they delicately try to avoid this problem all through the text. But at the same time, they make it clear that many of the ideas do require amendments to the founding treaties, meaning the need of full consensus. This will specifically return in the part dealing with enlargement, and if You check Annex II of the paper, it points out exactly, where treaty amendment is needed – even if it is not emphasised all over in the text.

Most of the ideas of the paper are worthy of serious (separate) analysis, although many of them are not novel or necessary for a better operation of the European Union – e.g. lowering the number of commissioners in the college or European political groups' representation at the European Parliamentary elections are elements that should have already been organised based on the existing provisions of the founding treaties or decisions of the member states, but there is a member state consensus of delaying those from some reasons. From this aspect, the idea of pushing back unanimity and use more of the qualified majority does not grow to become an all-out plan, among many other things it does not seem to be realistic, as of yet.

## Questions of enlargement

The idea of a near future enlargement of the EU has a visibly growing support by the current leaders of the EU, not only some of the member states. A strong commitment was shown by the President of the European Council in his Bled address and by the State of the Union address by the President of the European Commission as well, while some member state governments have been urging this for quite a long time. But as we have noted in our earlier analyses, seemingly neither Michel nor von der Leyen has to take responsibility for voicing any ideas related to a possible EU enlargement as none of them will be in office by and before the proposed deadline date of that, probably in 2030. This makes member states being even more important actors in this matter.

And here is where some troubles may start. During the past years, member states have dominantly been pre-occupied with other questions than enlargement, most importantly the COVID-crisis, economic crisis and the war in Ukraine, most of them not considering this question as a serious issue. Some exceptions are those where this may contribute to their regional ambitions or being pushed to the periphery of EU politics that they desperately try to look for new allies (e.g. the Hungarian government fits both these categories). The relative loss of weight of this issue is clearly shown by the fact, that the position of the commissioner responsible for enlargement had easily fallen to the hands of the Hungarian government in 2019, in the form of a trusty ex-diplomat of Viktor Orbán, whose activities have been subject to serious criticism by many since the time of taking office. As enlargement is one of the questions where member states do have the final word, it requires the formal amendment of the EU funding treaties, which is probably is going to enhance current political tensions among member states. While the authors of the paper support enlargement – in general most actors do – they fail to evaluate potential political tensions among member states, which might not be channelled away by any EU political leaders.

As we have put it in our earlier analysis, the idea of enlargement is not rejected in general by the member states, and the Commission has started to prepare its execution – the paper correctly outlines most of the institutional requirements of that. Additionally, it tries to make connections to the necessity of enlargement-related treaty amendments and elements of an institutional reform. We conclude that the paper makes valid points on changes useful – but not always necessary – for the acceptance of new member states, which make for a more streamlined cooperation structure for the future.

**Trying to circumvent treaty amendments with alternative solutions?**

The authors of the paper try to address the challenge of the need of amendments to founding treaties (which require full consensus) with various creative ideas.

Riding the wave of a visible political support to enlargement, they propose to link the decision about enlargement (which require revising the founding treaties anyway) to the necessary treaty amendments for the reform of the European Union. Linking those two could offer a political solution for forcing a decision out of some member states that have been put between a rock and a hard place: their resistance towards the idea of treaty amendments and their commitments to potential future EU members, most notably in the West Balkans. As both these policies are upheld to support their own specific interests, these states would be forced to make a decision – and this is the point, where according to our views, this concept is doomed to fail. Member states will never have more interests related to the joining of new states, than to keeping their current power position. Why would they trade their most effective tool against other players simply for having more players with whom they might have confrontations, where they could use this tool again? We believe that there is no simple answer to this question, and this is where reality kicks in sooner or later – this idea may easily become a serious obstacle for further enlargement.

As we have indicated earlier, Annex II of the paper points out exactly (in the form of tables), where treaty amendment is needed, and where it is not needed. Still, this evaluation is not always fully conclusive or credible, as it tries to paint an easier image than it really is. For example, it states that with the idea to “Introduce conditionality, similar to NGEU for all future EU funds”, amendment of the treaties is not needed. Only “Secondary legislation / MFF” is indicated by the authors (the same is done by the authors with “increase of the budget”, or with the idea of connecting MFF to institutional cycles), but at the same time we have to clarify – at least to ourselves – that the adoption of the MFF (multiannual financial framework, or simply the so-called “seven years budget” of the EU) does require unanimity, full consensus, so this requires practically the same compromise as a treaty amendment – the political hardship is the same. What’s more, the situation is even worse than the hardship of an occasional amendment of the founding treaties, as the question of MFF has to be reopened (currently) every seven years, making it possible for “problematic” member states to time their political strategies – as we could see that with the MFF negotiations during the summer of 2020, Hungary and Poland bringing in the subject of the legislative process of the conditionality regulation, which had been tabled by the European Commission at the end of 2018. So, trying to substitute treaty amendment with MFF does not ease the political situation at all, what’s more, it gives political ammunition to opposing states as they can easily turn questions of principle into questions of finances which usually goes well with political audience willing to buy populist solutions. The authors should have made this very clear.

## **The role/effect of the document**

It is hard to predict what effect this document will have on the future development of the European Union – usually it is the same dilemma with documents like this. The fact of the existing political support in the background by relevant state governments will make it an important base of future discussions among member states, EU actors and in academic circles. Some of its ideas, mostly those which do not require treaty amendments, will most probably be realised in the form of some kind of union secondary legislation, but the really vital ones will probably stay on the level of discussion and political debate.

Too bad, some of those are really well worth of being put into reality. Most of those have been worthy to that for years now.

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